रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 31] नई दिल्ली, शुक्रवार, अगस्त 19, 1983/श्रावण 28, 1905
No. 31] NEW DELHI, FRIDAY, AUGUST 19, 1983/SRAVANA 28, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 19th August, 1983:—

I

BILL NO. XVI OF 1983

A Bill further to amend the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1983. Short title.

2. In section 3 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as the principal Act),— Amendment of section 3.

45 of 1955.

(i) for the words "working journalists", wherever they occur, the words "working journalists and newspaper employees" shall be substituted;

(*ii*) in sub-section (*2*),—

(1) in clause (*a*), the word "and" shall be omitted;

(2) in clause (*b*), the word "and" shall be added at the end;

(3) after clause (*b*), as so amended, the following clause shall be inserted, namely:—

'(*c*) two months in the case of a full-time newspaper employee and one month in the case of a part-time employee'.

Amendment of section 4.

3. In section 4 of the principal Act,—

(*i*) in the opening portion, after the words "any working journalist" the words "or a newspaper employee" shall be inserted;

(*ii*) in clause (*b*) for the words "fifteen days' average pay", the words "one month's average pay" shall be substituted.

Amendment of section 5.

4. In section 5 of the principal Act,—

(*i*) after the words "working journalist", wherever they occur, the words "or a newspaper employee" shall be inserted;

(*ii*) for the words "fifteen days' average pay", wherever they occur, the words "one month's average pay" shall be substituted;

(*iii*) for the words "twelve and half months' average pay", the words "twenty five months' average pay" shall be substituted.

Amendment of section 13.

5. Section 13 of the principal Act, shall be renumbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

(*2*) If the Central Government considers, whether of its own motion or on the application of any party or person bound by the order, that since the order was made, there has been a material change in the circumstances in which it was made or there are anomalies in the order, or in the recommendations of the Wage Board, or in the decision of a Tribunal, it may modify by itself the order after hearing the parties or refer the matter to the Tribunal for the purpose.

Amendment of Section 14.

6. In section 14 of the principal Act, for the word "twenty" the word "ten" shall be substituted.

Insertion of new section 14A.

7. After section 14 of the principal Act, the following new section shall be inserted, namely:—

Framing of Standing Orders.

"14A. In case the management of a newspaper establishment fails to frame its own Standing Orders within six months from the commencement of the Working Journalists and Other Newspaper

Employees (Conditions of Service) and Miscellaneous Provisions Act, 1983, the concerned newspaper employee shall be governed by the model Standing Orders as may be prescribed".

Amendment of section 15.

8. After section 15 of the principal Act, the following new section shall be inserted, namely:—

Protection to newspapers employees.

"15A. (*1*) Every office-bearer and Member of the Executive Committee of any Trade Union registered under the Indian Trade Unions Act, 1926 who are the newspaper employees shall be treated as protected workmen and shall not be transferred or punished in any manner without the express permission in writing of the Tribunal.

(*2*) The names of protected workmen shall be notified by the registered Union to the Management and the Labour Commissioner within a period of one month from the date of election of the office bearers and the Executive Committee members and this protection shall be in addition to the protection already available to them under section 33 of the Industrial Disputes Act, 1947."

14 of 1947.

Amendment of Section 20.

9. In section 20 of the principal Act, in sub-section (*2*), after clause (*j*), the following sub-clause shall be inserted, namely:—

"(*jj*) the procedure for framing of model Standing Orders".

STATEMENT OF OBJECTS AND REASONS

The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 does not apply to non-journalist employees in the newspaper establishments. The Act is mainly meant for working journalists. However, though initially the Act was meant for working journalists, it was amended in 1974 and section 13B was added to it empowering the Central Government to constitute a Wage Board for the non-journalist newspaper employees. Though there is power to constitute a Wage Board, there are no other provisions giving benefits to non-journalists.

It is, therefore, necessary to make the Act applicable to all newspaper employees including the journalists and the non-journalists and to make it a self-contained enactment. The Act does not also provide for the modification of the order issued by the Central Government to enforce the recommendations of the Wage Board. Besides, there are other infirmities also in the Act, the Act being very old one, of 1955. It is felt that the Act requires to be amended to achieve these objects.

Hence, this Bill,

S. W. DHABE

II

BILL NO. XV OF 1983

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Thirty-fourth Year of Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1983. Short title.

43 of 1951 2. In section 2 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in clause (*1*) the following sub-clauses shall be inserted, namely:— Amendment of section 2.

(*ee*) "local body" means a Municipal Corporation or Council or a Zila Parishad established or constituted by or under any State Act;

(*gg*) "public corporation" means any public corporation established by or under any Central or State Act ;

Insertion of new section 9B.

3. After section 9A of the principal Act, the following section shall be inserted, namely:—

Disqualification for office as Chairman of a Public Corporation.

"9B. A person shall be disqualified if, and for so long as, he is a Chairman, whether in honorary capacity or otherwise, of a public corporation."

Amendment of section 66.

4. To section 66 of the principal Act, the followin proviso shall be added namely:—

"Provided that a candidate shall not be declared elected if the number of votes received by him is less than the one-twentieth of the total voters registered on the electoral roll of his constituency and fresh poll shall be ordered to fill that seat."

Insertion of new section 70A.

5. After section 70 of the principal Act, the following section shall be inserted, namely:—

Vacation of seat by a person already a member of a local body.

"70A. If a person who is already a member of a local body and has taken his seat in such body is chosen a member of either House of Parliament or either House of the Legislature of a State, his seat in such local body shall, on the date on which he is so chosen, become vacant."

STATEMENT OF OBJECTS AND REASONS

The Assam State Assembly Elections were held in February, 1983. The results showed that in a number of constituencies candidates getting less than one thousandth votes were declared elected whereas the electorate in those constituencies varied between sixty thousand and eighty thousand. The voting percentage was very low. In one constituency the candidate securing just 327 votes out of the total 358 polled was declared elected, the constituency having had an electorate of 90,447, in another constituency having an electorate of 69,308, a candidate won the election by merely securing 266 votes. It was never contemplated that persons getting such low percentage of votes will be declared elected under the Representation of the People Act, 1951. It is, therefore, necessary to amend the Act to provide for a minimum percentage of votes of the total electorate, which must be necessary to qualify the candidate to be declared elected. It is proposed to provide that at least one-twentieth of the total votes of the electorate must be necessary for getting elected to the Assembly and as also to the Lok Sabha.

There is a tendency to appoint Assembly Members as Chairman of the Public Corporations. The continuance of such office of public corporations conflicts with their duties as Members of Parliament or of State Legislatures. Another tendency is also growing that the Members of Parliament and of the State Legislative Assemblies and Councils do not resign from the membership of Municipal Corporations, or Zila Parishads, even after they are elected to the respective Houses of Parliament and the State Legislatures. It is felt necessary to prevent holding of such dual offices.

Hence, this Bill.

S. W. DHABE.

III

BILL No. X OF 1983

A Bill to amend the Muslim Personal Law (Shariat) Application Act, 1937.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Muslim Personal Law (Shariat) Application (Amendment) Act, 1983.

Amendment of section 20.

2. In section 2 of the Muslim Personal Law (Shariat) Application Act, 1937, the brackets and words "(save in questions relating to agricultural land)" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

It is not widely known that Muslim daughters in many families are being denied their inheritance rights under the Muslim Personal Law in so far as agricultural land is concerned. The Muslim community, which is generally in favour of the application of the Muslim Personal Law appears to have turned a blind eye to this injustice. From the Shariat angle there is no distinction between agricultural or urban land or between land and money in terms of inheritance rights.

Unfortunately this injustice has got a statutory protection under the Shariat Act of 1937. The reason perhaps lay in the fear of disaster of the big landlord families and in the anxiety to save their estates from fragmentation.

It is proposed to bring the Act of 1937 in line with the mandate of the Shariat in so far as the inheritance of agricultural land by Muslim daughters is concerned.

Hence, this Bill.

SYED SHAHABUDDIN.

IV

BILL No. IX OF 1983

A Bill further to amend the Societies Registration Act, 1860.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Societies Registration (Amendment) Act, 1983.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of preamble.

2. In the Preamble to the Societies Registration Act 1860 (hereinafter referred to as the principal Act) the following shall be inserted after the words "for charitable purposes", namely:—

"or of non-profit making societies engaged in activities and programmes for the economic, social and educational development of the community especially of the weaker sections thereof."

Amendment of section 17.

3. In Section 17 of the principal Act, after the words "or charitable purpose" the following words shall be inserted, namely:—

"or any non-profit making society engaged in activities and programmes for the economic, social and educational development of the community, especially of the weaker sections thereof".

Amendment of section 20.

4. In Section 20 of the principal Act, the following words shall be inserted, namely:—

"or non-profit making societies engaged in activities and programmes for the economic, social and educational development of the community, especially of the weaker sections thereof."

STATEMENT OF OBJECTS AND REASONS

The Societies Registration Act, 1860 does not provide for the registration of non-profit making voluntary organisations engaged in the educational, social and economic development of the community. Despite phenomenal expansion of Government activity, the community welfare demands the association of voluntary organisations so that the Government activities for the welfare of the people, particularly of the weaker sections thereof can be supplemented.

There has been some confusion in the interpretation of the word "charitable" occuring in the Act of 1860. It is, therefore, felt that a broadening of the relevant provisions will stimulate the creation or establishment of non-profit making organisations for activities beneficial to the common man.

Hence, this Bill.

SYED SHAHABUDDIN.

V

BILL No. XII OF 1983

A Bill *to provide compulsory training as home-guards to all abl-bodied cltizens.*

Short title, extent and commencement.

1. (*1*) This Act may be called the Compulsory Home-Guard Training Act, 1983.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Compulsory home guard Training for all able-bodied citizens.

2. All able-bodied citizens who have attained the age of 18 years on the date of commencement of this Act shall be trained as Home-Guards for a period of not less than six months :

Provided that persons serving in the Armed Forces, the Territorial Army, in any para-military force or in any police force shall be exempt from the application of the provisions of this Act.

Scheme to establish institutions.

3. The Central Government shall formulate a scheme to provide necessary facilities, in the existing institutions or otherwise, for imparting Home-guard training.

STATEMENT OF OBJECTS AND REASONS

Home-guard training is provided as a second line of defence for the security of the country as well as to be an effective force for deployment in relief operations if and when necessary. Moreover, it will create a sense of discipline and promote physical fitness in the youth.

The present N.C.C. scheme is inadequate as it is neither comprehensive nor compulsory.

A comprehensive scheme is, therefore, necessary to enable all able-bodied citizens to have some para-military training for a specified period.

Hence, this Bill.

SYED SHAHABUDDIN.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for introducing compulsory home-guard training to all able-bodied persons. Clause 3 provides for establishment of institutions for imparting home-guard training. These institutions have to be provided with necessary equipment.

The recurring expenditure for the scheme may be to the tune of Rs. 10 crores per annum from the Consolidated Fund of India.

The scheme is also likely to involve a non-recurring expenditure of Rs. 10 crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides for formulating a scheme for imparting compulsory home-gaurd training to all able-bodied persons. The scheme has to be administered by the Government of India. The delegation of legislative power is of a normal character.

SUDARSHAN AGARWAL,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1983